

REMARKS

Claims 17-19, 21-25, 27, 28, 30, and 31 were previously pending in the application. Claims 19 and 28 have been withdrawn. This Amendment amends claim 17 to correct informalities. Claims 18, 19, 21-25, 27, 28, 30, and 31 remain unchanged. Claims 17 and 27 are independent.

The Drawing Objections

The drawings are objected to as failing to comply with 37 C.F.R. § 1.83(a) because the drawings allegedly do not show every feature of the invention specified in the claims. Particularly, the Office Action asserts that the slide track recited in claims 17 and 27 are not shown in the drawings.

Applicants respectfully traverse this objection.

Contrary to the assertions in the Office Action, Applicants respectfully submit that the drawings show every feature of the invention as specified in the claims.

Figure 1 shows a perspective view of the vacuum cleaner with the blind 17 partially retracted to expose the opening 15. In Figure 1, the side of the dust chamber lid 12 very clearly is visible in the opening 15. A slide track very clearly is visible along the edge of the opening 15. One of ordinary skill in the art certainly would recognize that the blind 17 slides in this slide track.

To clarify this feature, this Amendment encloses New Sheet Figure 3 showing a detailed view of Figure 1. The detailed view merely is an enlargement of the original

Figure 1, and very clearly shows the slide track along the opening 15. No new matter is added.

Applicants respectfully request withdrawal of this objection.

The Rejections under 35 U.S.C. § 112, first paragraph

The Office Action rejects claims 17 and 27, including claims 18, 19, 21-25, 28, 30 and 31, which depend therefrom, under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Particularly, the Office Action asserts that the new limitations added to claims 17 and 27 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This Amendment amends the specification to describe more clearly the features illustrated in the original Figure 1. The amendments to the specification do not add new matter. In view of the amendments, claims 17 and 27 clearly are supported by the written description of the present application.

M.P.E.P. § 2163.02 sets out the standard for complying with the written description requirement of 35 U.S.C. § 112, first paragraph:

"An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed. [...] to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed."

Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. [...] An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. [...]

The subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement.

Emphasis added.

While there is no in haec verba requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure [...]. In re Oda, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971).

Applicants respectfully submit that the original disclosure and figures convey with reasonable clarity to those skilled in the art that the features of claims 17 and 27 were in possession of the Applicants, as of the filing date. The features of claims 17 and 27 very clearly are supported by the original disclosure, and particularly original Figure 1, and this rejection should be withdrawn.

For example, the original specification very clearly describes that the closure part be a blind displaceable in the plane of the dust chamber lid, which has the advantage that the closure part does not project from the external contour of the vacuum cleaner in the open position. The visual appearance of the vacuum cleaner is thus not disturbed even when the closure part is open. In addition, an open blind cannot be damaged to any great

extent during operation of the vacuum cleaner as is possible with an open flap. See, e.g., page 5, lines 25-37, and page 6, lines 1-4.

With reference to FIG. 1, the specification explicitly discloses that the opening 15 in the dust chamber lid 12 can be closed by means of a closure piece which is embodied as a blind 17 displaceable in the plane of the dust chamber lid 12. See, e.g., page 7, lines 26-29.

Figure 1 shows a perspective view of the vacuum cleaner with the blind 17 partially retracted to expose the opening 15. In Figure 1, the side of the dust chamber lid 12 very clearly is visible in the opening 15. A slide track very clearly is visible along the edge of the opening 15. One of ordinary skill in the art certainly would recognize that the blind 17 slides in this slide track.

The specification and Figures certainly convey with reasonable clarity to those skilled in the art that, as of the filing date sought, Applicants were in possession of the claimed invention.

This Amendment amends the specification to describe more clearly the features illustrated in the original Figure 1. The amendments to the specification do not add new matter.

In view of the amendments, claims 17 and 27 clearly are supported by the original disclosure, and therefore, certainly comply with the written description requirement.

Applicants respectfully request withdrawal of this rejection.

The Rejections under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 17 and 27, including claims 18, 19, 21-25, 28, 30 and 31, which depend therefrom, under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office Action asserts that the limitation that the retractable blind that does not project outwardly beyond the lid opening border surface is unclear and is unsupported by the original application, as best understood by the Examiner.

Applicants respectfully traverse this rejection.

M.P.E.P. § 2173.02 sets out the standard for complying with 35 U.S.C. § 112, second paragraph:

The essential inquiry pertaining to the requirement under 35 U.S.C. § 112, second paragraph, is 'whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) the content of the particular application disclosure; (B) the teachings of the prior art; and (C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.'

Claim 17 recites, inter alia, that the retractable blind is configured such that the respective portion of the retractable blind that extends along the slide track does not project outwardly beyond the lid opening border surface.

As explained above, the specification very clearly describes that the closure part is displaceable in the plane of the dust chamber lid, which has the advantage that the closure part does not project from the external contour of the vacuum cleaner in the open

position. Thus, the visual appearance of the vacuum cleaner is thus not disturbed even when the closure part is open. See, e.g., page 5, lines 25-37, and page 6, lines 1-4.

One of ordinary skill in the art certainly would know and understand that the retractable blind that extends along the slide track does not project outwardly beyond the lid opening border surface since the closure part does not project from the external contour of the vacuum cleaner in the open position.


Claim 17 is clear and definite because the ordinarily skilled artisan would know and understand the meaning of the phrase “the retractable blind is configured such that the respective portion of the retractable blind that extends along the slide track does not project outwardly beyond the lid opening border surface” as recited in claim 17.

Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 17-19, 21-25, 27, 28, 30, and 31 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



James E. Howard

Registration No. 39,715

May 05, 2009

BSH Home Appliances Corporation
100 Bosch Boulevard
New Bern, NC 28562
Phone: 252-639-7644
Fax: 714-845-2807
james.howard@bshg.com